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Agenda item 98

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Knut **Langeland** (Norway)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the sixty-seventh session of the General Assembly in accordance with Assembly resolution 66/62 of 2 December 2011.

2. At its 2nd plenary meeting, on 21 September 2012, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 5 October 2012, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 86 to 102. From 8 to 12 and on 15 and 16 October, the Committee held a general debate on those items and had an exchange of views with the High Representative for Disarmament Affairs and other high-level officials, including on follow-up to resolutions and decisions adopted at previous sessions (see A/C.1/67/PV.2-8). The Committee also held 10 meetings, from 17 to 19 and from 22 to 25 October, and on 1 and 2 November, for a thematic debate and panel discussions with independent experts (see A/C.1/67/PV.9-18). At the 9th to 18th meetings, from 17 to 19 and from 22 to 25 October, and on 1 and 2 November, draft resolutions were introduced and considered (see A/C.1/67/PV.9-18). The Committee took action on all draft resolutions and decisions at the 18th to 22nd meetings, on 2 and from 5 to 7 November (see A/C.1/67/PV.18-22).

4. No documents were submitted for consideration under this item.

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II. Consideration of draft resolution A/C.1/67/L.12

5. At the 16th meeting, on 25 October, the representative of Sweden introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/67/L.12).

6. At the 20th meeting, on 5 November, the Secretary of the Committee read out a statement by the Secretary-General concerning the financial implications of draft resolution A/C.1/67/L.12.

7. At the same meeting, the Committee adopted draft resolution A/C.1/67/L.12 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 66/62 of 2 December 2011,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and its amended article 1,[2] the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] the Protocol on Blinding Laser Weapons (Protocol IV)[4] and the Protocol on Explosive Remnants of War (Protocol V),[5]

Noting the results of the Fourth Review Conference of the High Contracting Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held in Geneva from 14 to 25 November 2011,

Welcoming the results of the Thirteenth Annual Conference of the High Contracting Parties to Amended Protocol II, held in Geneva on 11 November 2011,

Welcoming also the results of the Fifth Conference of the High Contracting Parties to Protocol V, held in Geneva on 9 and 10 November 2011,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date and so as to ultimately achieve their universality;

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[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.

[2] Ibid., vol. 2260, No. 22495.

[3] Ibid., vol. 2048, No. 22495.

[4] Ibid., vol. 2024, No. 22495.

[5] Ibid., vol. 2399, No. 22495.

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

3. *Emphasizes* the importance of the universalization of the Protocol on Explosive Remnants of War (Protocol V);[5]

4. *Welcomes* the additional ratifications and acceptances of or accessions to the Convention, as well as the consents to be bound by the Protocols thereto;

5. *Acknowledges* the continued efforts of the Secretary-General, as depositary of the Convention and the Protocols thereto, the Chair of the Meeting of the High Contracting Parties to the Convention, the President of the Fifth Conference of the High Contracting Parties to Protocol V and the President of the Thirteenth Annual Conference of the High Contracting Parties to Amended Protocol II, on behalf of the High Contracting Parties, to achieve the goal of universality;

6. *Welcomes* the following decisions by the Fourth Review Conference of the High Contracting Parties to the Convention:

(a) The adoption of an accelerated plan of action to promote universality of the Convention and the Protocols thereto;

(b) The adoption of actions to enhance the implementation of the compliance mechanism for the Convention and the Protocols thereto;

(c) The continuation of the Sponsorship Programme within the framework of the Convention; and encourage States to contribute to the Sponsorship Programme;

7. *Recalls* the decision by the Fourth Review Conference of the High Contracting Parties to the Convention to continue the Sponsorship Programme within the framework of the Convention, and, with recognition of the value and importance of the Programme, encourages States to contribute to it;

8. *Notes* that the issue of the humanitarian impact of cluster munitions was examined extensively by the Fourth Review Conference in November 2011, on the basis of the mandate agreed upon at the Meeting of High Contracting Parties to the Convention in November 2010;

9. *Also notes* that the implementation of international humanitarian law with regard to mines other than anti-personnel mines was discussed further at an open-ended Meeting of Experts in April 2012, on the basis of a decision by the Fourth Review Conference of the High Contracting Parties to the Convention;

10. *Welcomes* the commitment by States parties to continue to contribute to the further development of international humanitarian law and in this context to keep under review both the development of new weapons and uses of weapons, which may have indiscriminate effects or cause unnecessary suffering;

11. *Also welcomes* the commitment of States parties to the Protocol on Explosive Remnants of War (Protocol V) to the effective and efficient implementation of the Protocol and the implementation of the decisions of the First and Second Conferences of the High Contracting Parties to the Protocol establishing a comprehensive framework for the exchange of information and cooperation;

12. *Notes* that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols;

13. *Acknowledges* the work of the Implementation Support Unit within the Geneva Branch of the Office for Disarmament Affairs of the Secretariat, which was established following a decision by the 2009 Meeting of the High Contracting Parties to the Convention;

14. *Requests* the Secretary-General to render the assistance necessary and to provide such services, including summary records, as may be required for annual conferences and expert meetings of the High Contracting Parties to the Convention and of the High Contracting Parties to Amended Protocol II and Protocol V, as well as for any continuation of the work after the meetings;

15. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1 and the Protocols;

16. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".